

PATENT
Customer No. 22,852
Attorney Docket No. 07810.0109-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

John Claude HUSBAND et al.

Application No.: 10/608,558

Filed: June 30, 2003

For: PIGMENT PRODUCTS

) Group Art Unit: 1755

) Examiner: Shalie A. Manlove

) Confirmation: 7379

Commissioner for Patents
P.O. Box 1450
Washington, DC 20231

Sir:

TERMINAL DISCLAIMER

Assignee, IMERYS PIGMENTS, INC., duly organized under the laws of Georgia and having its principal place of business at 100 Mansell Court East, Suite 300, Roswell, Georgia 30076, represents that it is the assignee of the entire right, title and interest in and to the above-identified application, Application No. 10/608,558, filed June 30, 2003, for PIGMENT PRODUCTS in the names of John Claude HUSBAND et al., as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 014579, Frame 0574 on May 9, 2003.

Assignee, IMERYS PIGMENTS, INC., further represents that it is the assignee of the entire right, title and interest in U.S. Patent No. 6,616,749, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 014579, Frame 0574 on May 9, 2003.

Assignee, IMERYS PIGMENTS, INC., further represents that it is the assignee of the entire right, title and interest in U.S. Patent No. 6,537,363, as indicated by

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assignment duly recorded in the United States Patent and Trademark Office at Reel 012387, Frame 0101 on December 20, 2001.

Assignee, IMERYS PIGMENTS, INC., further represents that it is the assignee of the entire right, title and interest in U.S. Patent No. 6,402,826, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 010667, Frame 0229 on March 6, 2000.

Assignee, IMERYS PIGMENTS, INC., further represents that it is the assignee of the entire right, title and interest in U.S. Patent No. 6,610,137, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 012387, Frame 0101 on December 20, 2001.

To obviate a double-patenting rejection, assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent No. 6,616,749, U.S. Patent No. 6,537,363, U.S. Patent No. 6,402,826, and U.S. Patent No. 6,610,137. Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above-identified prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of any of the

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above-identified prior patents, as presently shortened by any terminal disclaimer, in the event that any of the prior patents later expire for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$110.00 is being filed with this disclaimer.

If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to our Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account No. 06-0916

The undersigned is an attorney of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: July 6, 2004

By: Charles E. Van Horn
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Name: Examiner Shalie A. Manlove
Firm: U.S. Patent and Trademark Office
Fax No.: 571.273.1272
Phone No.: 571.272.1372
Date: July 6, 2004
Subject: Terminal Disclaimer in Application No. 10/608,558

FROM

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Our File No.: 07810-0109-01

Confirmation Copy to Follow: No

Message:


In re Application of: John Claude HUSBAND et al.
Application No.: 10/608,558
Examiner: Shalie A. Manlove
Group Art Unit: 1755
Attorney Docket No. 07810-0109-01

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 CFR § 1.8

I hereby certify that this correspondence is being transmitted by facsimile to 571.273.1272 in U.S. Application No. 10/608,558 to the Patent and Trademark Office on July 6, 2004.

This correspondence includes:

1. Terminal Disclaimer (three pages)

By: 
Adriana L. Burgy
Reg. No. 48,564

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